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September 22, 2015

VIA ECF AND FACSIMILE

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: **United States v. District Council of the
United Brotherhood of Carpenters, 90 Civ. 5722 (RMB)**

Dear Judge Berman:

The parties in the above-referenced matter received the Court's Scheduling Order dated September 17, 2015 (ECF 1639). For the reasons discussed herein, I believe that, depending upon the specific dispute referenced by the Court therein, the need to meet and confer may no longer be necessary.

As the Court is aware, on September 16th, Niall MacGiollabuí, Esq., counsel for petitioner John Daly, filed a request for a preliminary injunction of the Local Union 157's scheduled election on the basis that such an election could moot a part of his client's pending petition before Your Honor. Mr. Daly's underlying petition related to his April 6, 2015 removal from positions as the Local Union 157's delegate to the Executive Committee and as shop steward. Subsequent to the request for injunctive relief, the Court issued its ruling denying Mr. Daly's underlying substantive petition on September 16th (ECF 1638). On September 17th, as scheduled, the Local Union 157 held its election and a new member was elected to the position of delegate to the Executive Committee. Also on September 17th, the parties received a Scheduling Order from the Court which directed the relevant parties to meet and confer "to try and resolve their dispute(s)," and then attend a conference on September 24th at 9:30 a.m. However, in light of the Court's September 16th denial of Mr. Daly's underlying petition, and even more so, the Local Union 157's election – which all parties agree has rendered Mr. Daly's request for an injunction moot – it is unclear to which dispute(s) the Court refers.

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In light of these facts, I respectfully submit that both the need to meet and confer, and to have a conference before Your Honor, seems to have passed. Unless there is a different concern about which the Court would like the parties to meet and confer, it appears that the Scheduling Order can be vacated and the proposed conference cancelled.

If Your Honor requires any additional information, please contact the undersigned at Your Honor's convenience.

Respectfully submitted,



Glen G. McGorty
Independent Monitor

cc: VIA E-MAIL

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